

***Remarks***

Reconsideration of this application, and entry of the foregoing amendments are respectfully requested. Upon entry of the foregoing amendments, claims 1-6, 9-12 and 24-34 are pending in the application, with claims 1, 6, 27 and 31 as being the independent claims.

Support for the amendments to the claim may be found throughout the specification as originally filed, inherently or explicitly. Further support for claims 28-30 can be found, for example, in allowed claims 10-12, but dependent on claim 27 as opposed to claim 1. Further support for claim 31 can be found in claim 27 and claims 32-34 are identical to allowed claims 10-12, except for their dependencies.

Applicants thank the Examiner for allowing claims 1, 2, 3-6, 9-12 and 25-26.

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***Rejections Under 35 U.S.C. § 112, second paragraph***

The Examiner has rejected claim 3 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject-matter which the Applicants regard as the invention. Applicants respectfully traverse this rejection.

Applicants have amended claim 3 so that it recites "said additional sequence between exon 3 and exon 4a" comprises defined nucleotide sequences cited in (a), (b) or (c).

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

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***Rejection Under 35 U.S.C. § 102***

In the Office Action, at page 3, the Examiner has rejected claims 3, 24 and 27 under 35 U.S.C. § 102(a) as allegedly being anticipated by Bussemakers, *Cancer Research* 59:5975-9 (1999) (hereinafter "Bussemakers"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Bussemakers has a public disclosure date of December 14, 1999, as evidenced by the email dated January 16, 2003, obtained from Kelly Hadsell, Journal Manager of Cancer Research (Exhibit A). In view of the filing date of September 29, 1999 of the provisional application 60/156,549, on which the instant application is based, Applicants respectfully request that the Examiner reconsiders and withdraws the rejection of claims 3, 24 and 27 under 35 U.S.C. § 102.

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***Conclusion***

All of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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**Version with markings to show changes made**

**In the Claims:**

(a) Claim 3 has been amended as follows:

3. (Twice Amended) The isolated nucleic acid molecule according to claim 1, wherein said additional sequence between exon 3 and exon 4a comprises [comprising] a polynucleotide sequence at least 90% identical to a sequence selected from the group consisting of:

(a) a nucleotide sequence as set forth from nucleotides 27 to 254 of SEQ ID NO:1;

(b) a nucleotide sequence fully complementary to the nucleotide sequence in (a); and

(c) a nucleotide sequence which hybridizes under high stringency condition to any of the nucleotide sequences in (a) or (b).

(b) New claims 28-34 are added.

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